

completing some manuscripts he has been working on, I must say that I am truly sorry to see him leave.

In the preface of volume two of my four-volume history of the Senate, I pointed out that, "This work in its present form would not have been possible without the assistance of the professionals within the Senate historical office," which, of course, was headed by Dr. Baker. My little acknowledgment hardly begins to convey the debt of my gratitude to him for his assistance in that project.

Researching and writing that four-volume history took more than a decade, and during that 10-year period, whenever I went to him for assistance, whether for help in research or writing or just thinking about how I wanted to present a certain idea, he always went above and beyond the call of duty. He was always there, ready and eager to help. I will never forget how, time after time, he would simply say, "Senator, I'll be delighted to help."

He was always ready to help, although he was responsible to 99 other Senators, and had so many other responsibilities and functions. Since the office was created in 1975, following the Watergate scandal, Dr. Baker, the Senate's first and only historian, has ensured that the history of the Senate is properly collected, categorized, maintained, and preserved. In addition, he has advised Senators on how to manage their personal papers while they are here, and how to preserve them once they leave office, and has advised Senate committees on the transfer of their records to the National Archives.

Charged with maintaining an objective and thorough record of the institution, his office has collected information on important Senate events, and traced the background and the evolution of Senate rules, precedents and countless activities.

In a multitude of ways, through the publications that his office issues, in talks with Senators and our staffs, and in private consultations, Dr. Baker has provided Senators with a better understanding and appreciation of the U.S. Senate, and its importance and its role under the Constitution. His office has reminded us on a daily basis of the majesty, the uniqueness, and the greatness of our institution.

His office has undertaken its very important work objectively and without political motivation or slant. It always remained a completely non-partisan office. As a result, Dr. Baker earned the respect as well as the gratitude of Senators on both sides of the aisle. This explains why, even with the many changes in the Senate during his tenure as Senate Historian, including changes in Senate leaders and party control, no one has even considered

any change in the Senate Historical Office.

Because of his careful and methodical work in collecting the history of the Senate, I can safely predict that the work of his office will be vital to future historians. Years from now, when most of us are long gone—from the Senate, that is—historians will be using the records his office has compiled and the documents his office has produced, to write their histories of the Senate—and for that we will all be grateful.

I congratulate and I thank Dr. Baker for the marvelous work he has done. I wish him and his lovely wife Pat nothing but much happiness, great success, and the best of health as they embark on the next phase of their lives.●

#### BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I wish to submit to the Senate the second budget scorekeeping reports for the 2010 budget resolution. The reports, which cover fiscal years 2009 and 2010, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through July 31, 2009, and include the effects of legislation since I filed my last reports on June 25, 2009. The new legislation includes P.L. 111-42, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; H.R. 3114, an act to authorize the Director of the U.S. Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes, pending Presidential action; S. 1107, the Judicial Survivors Protection Act of 2009, pending Presidential action; and H.R. 3357, an act to restore sums to the highway trust fund, and for other purposes, pending Presidential action. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

For 2009, the estimates show that current level spending is \$982 million below the level provided for in the budget resolution for budget authority and \$3.8 billion above it for outlays while current level revenues match the budget resolution level. For 2010, the estimates show that current level spending is \$1,205.9 billion below the level provided for in the budget resolution for budget authority and \$715.8 bil-

lion below it for outlays while current level revenues are \$19.2 billion above the budget resolution level.

I ask unanimous consent to have the letters and accompanying tables from CBO printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, August 4, 2009.

Hon. KENT CONRAD,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through July 31, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter dated June 25, 2009, the Congress has cleared for the President's signature the following acts, which affect budget authority and outlays for fiscal year 2009:

An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (H.R. 3114); and

An act to restore sums to the Highway Trust Fund, and for other purposes (H.R. 3357).

Sincerely,  
DOUGLAS W. ELMENDORF,  
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JULY 31, 2009

[In billions of dollars]

	Budget resolution <sup>1</sup>	Current level <sup>2</sup> Current	Current level over/under (—) resolution
<b>ON-BUDGET</b>			
Budget Authority .....	3,668.6	3,667.6	–1.0
Outlays .....	3,357.2	3,361.0	3.8
Revenues .....	1,532.6	1,532.6	0.0
<b>OFF-BUDGET</b>			
Social Security Outlays <sup>3</sup> .....	513.0	513.0	0.0
Social Security Revenues .....	653.1	653.1	0.0

<sup>1</sup> S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$7.2 billion in budget authority and \$1.8 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

<sup>2</sup> Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

<sup>3</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JULY 31, 2009

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted: <sup>1</sup>			
Revenues .....	n.a.	n.a.	1,532,571
Permanents and other spending legislation .....	2,186,897	2,119,086	n.a.
Appropriation legislation .....	2,031,683	1,851,797	n.a.
Offsetting receipts .....	—640,548	—640,548	n.a.
Total, Previously enacted .....	3,578,032	3,330,335	1,532,571
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) <sup>2</sup> .....	106	3,896	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31) .....	11	2	8
Supplemental Appropriations Act, 2009 (P.L. 111–32) <sup>2</sup> .....	89,682	26,992	0
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111–39) .....	—187	—202	0
Total, enacted this session .....	89,612	30,688	8
Passed, pending signature:			
An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (H.R. 3114) .....	0	5	0
An act to restore sums to the Highway Trust Fund, and for other purposes (H.R. 3357) <sup>3</sup> .....	—40	—40	0
Total, passed, pending signature .....	—40	—35	0
Total Current Level <sup>2,3,4</sup> .....	3,667,604	3,360,988	1,532,579
Total Budget Resolution <sup>5</sup> .....	3,675,736	3,358,952	1,532,579
Adjustment to budget resolution for disaster allowance <sup>6</sup> .....	—7,150	—1,788	n.a.
Adjusted Budget Resolution .....	3,668,586	3,357,164	1,532,579
Current Level Over Budget Resolution .....	n.a.	3,824	n.a.
Current Level Under Budget Resolution .....	982	n.a.	0

<sup>1</sup> Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

<sup>2</sup> Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) .....	—630	—630	n.a.
Supplemental Appropriations Act, 2009 (P.L. 111–32) .....	16,169	3,530	n.a.
Total, amounts designated as emergency .....	15,539	2,900	n.a.

<sup>3</sup> Section 1 of H.R. 3357 appropriated \$7 billion to the Highway Trust Fund. The enactment of this legislation followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that H.R. 3357 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, enactment of section 1 results in no change to current level totals. Other provisions of the act will reduce budget authority and outlays by \$40 million in 2009.

<sup>4</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>5</sup> Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals .....	3,675,927	3,356,270	1,532,571
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	—1,530	2,240	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) .....	11	2	8
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	1,515	642	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303) .....	—187	—202	0

Revised Budget Resolution Totals .....

<sup>6</sup> S. Con. Res. 13 includes \$7,150 million in budget authority and \$1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, August 4, 2009.

Hon. KENT CONRAD,  
Chairman, Committee on the Budget, U.S. Senate,  
Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through July 31, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated June 25, 2009, the Congress has cleared and the President

has signed a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (Public Law 111–42), which affects revenues.

The Congress has also cleared for the President's signature, the following acts: An act to authorize the Director of the United States Patent and Trademark Office to use funds \* \* \* and for other purposes (H.R. 3114); and Judicial Survivors Protection Act of 2009 (S. 1107).

These acts affect budget authority and outlays.

Sincerely,

ROBERT A. SUNSHINE

(For Douglas W. Elmendorf, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JULY 31, 2009

[In billions of dollars]

	Budget resolution <sup>1</sup>	Current level <sup>2</sup>	Current level over/under (–) resolution
ON-BUDGET			
Budget Authority .....	2,882.1	1,676.2	–1,205.9
Outlays .....	2,999.1	2,283.3	–715.8
Revenues .....	1,653.7	1,672.9	19.2
OFF-BUDGET			
Social Security Outlays <sup>3</sup> .....	544.1	544.1	0.0
Social Security Revenues .....	668.2	668.2	0.0

<sup>1</sup> S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$10.4 billion in budget authority and \$5.4 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

<sup>2</sup> Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

<sup>3</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JULY 31, 2009

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted: <sup>1</sup>			
Revenues .....	n.a.	n.a.	1,665,986
Permanents and other spending legislation .....	1,637,423	1,621,675	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JULY 31, 2009—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriation legislation .....	0	600,500	n.a.
Offsetting receipts .....	– 690,251	– 690,251	n.a.
Total, previously enacted .....	947,172	1,531,924	1,665,986
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) .....	318	11,346	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31) .....	10	13	46
Supplemental Appropriations Act, 2009 (P.L. 111–32) <sup>2</sup> .....	11	33,530	0
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111–39) .....	32	36	0
A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (P.L. 111–42) .....	0	0	6,862
Total, enacted this session .....	371	44,925	6,908
Passed, pending signature:			
An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (H.R. 3114) .....	0	65	0
Judicial Survivors Protection Act of 2009 (S. 1107) .....	– 1	– 1	0
Total, passed, pending signature .....	– 1	64	0
Entitlements and mandates:			
Budget resolution estimates of appropriated entitlements and other mandatory programs .....	728,688	706,384	0
Total Current Level <sup>2, 3, 4</sup> .....	1,676,230	2,283,297	1,672,894
Total Budget Resolution <sup>5</sup> .....	2,892,499	3,004,533	1,653,728
Adjustment to the budget resolution for disaster allowance <sup>6</sup> .....	– 10,350	– 5,448	n.a.
Adjusted Budget Resolution .....	2,882,149	2,999,085	1,653,728
Current Level Over Budget Resolution .....	n.a.	n.a.	19,166
Current Level Under Budget Resolution .....	1,205,919	715,788	n.a.

<sup>1</sup> Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

<sup>2</sup> Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2009 (P.L. 111–32) .....	17	7,064	– 2
<sup>3</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.			

<sup>4</sup> The scoring for H.R. 3357, an act to restore the Highway Trust Fund, and for other purposes, does not change current level totals. H.R. 3357 appropriated \$7 billion to the Highway Trust Fund. The enactment of this bill followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that H.R. 3357 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, no change is required.

<sup>5</sup> Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals .....	2,888,691	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) .....	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5)) .....	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) .....	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	6	– 1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303) .....	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	– 11	– 11	0
Revised Budget Resolution Totals .....	2,892,499	3,004,533	1,653,728

<sup>6</sup> S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

## MATERIAL SUPPORT AND TERRORISM BARS IN IMMIGRATION LAW

Mr. LEAHY. Mr. President, following the attacks of September 11, 2001, Congress made dramatic changes to our immigration laws that were intended to strengthen barriers to entry to the United States for those believed to be engaged in terrorist activity. This was a laudable goal, but as with so much of the Federal Government's response to the September 11 attacks, fear overtook reason and sound judgment. Rather than limit the scope of changes to the law, Congress passed vastly overbroad revisions to the definition of terrorist activity, resulting in harm to asylum seekers and refugees. As a result, many who deserve and are otherwise eligible for protection under our laws have suffered needlessly.

The post-September 11 changes to the law expanded bars to entry for those accused of providing “material support” to terrorist organizations, or who are believed to have engaged in “terrorist activity.” The new definition of terrorist organization was so broadly

written that an individual who was forced at gunpoint to provide medical or other assistance, no matter how slight, to any group of two or more people acting against the law of their country, are considered to have materially supported a terrorist organization. As a result, those who bravely fought repressive governments in their home countries, and those who joined the United States in opposing despots, can now be called terrorists and barred from protection in our Nation.

I have worked for years to restore common sense to the bars in our immigration laws that apply to material support for terrorism. Unfortunately, as a result of the previous administration's inaction, and slow progress within the new administration, these laws remain a stain on the reputation of the United States as a leader in the cause of human rights. The time to end the terrible consequences of these laws is long overdue.

I called upon the previous administration to exert leadership in solving the longstanding problems associated with these restrictions to admission to

the United States. I worked with Senator KYL to provide the Bush-Cheney administration with the authority to implement waivers so that those deserving of our protection were not wrongly denied sanctuary in the United States. Little was done with the authority we provided.

We can and must do better. Today I renew these calls for leadership in the new administration. I call on President Obama to take the steps necessary to implement the authority granted by Congress to protect bona fide refugees and asylees.

I recognize that the waiver authority Congress provided to the executive branch resulted in some positive changes in recent months. The executive branch is granting waivers to those whose “support” under the overly broad definition of terrorist organization was provided only under duress. Some others, whose support was provided to groups exempt from the definition of terrorist organization, are also being granted protection. But that is not enough. The third tier of the law's definition of terrorist organization